

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
01218/100C494-US6

In re Application of: **Stephen J. KENNEDY**

Application No.: 10/801,331

Filed: March 15, 2004

For: **COMPOSITE STEEL STRUCTURAL PLASTIC SANDWICH PLATE SYSTEMS**

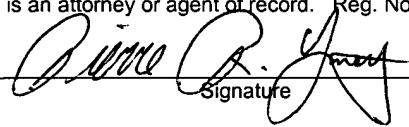
The owner\*, Fern Investments Limited, of 100  
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any  
patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any  
patent granted on pending **reference** Application Number 10/138,919, filed on May 3, 2002  
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be  
shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby  
agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the  
patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant  
application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application  
that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said  
**reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal  
disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on  
the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of  
competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a  
reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by  
any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,  
etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and  
belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like  
so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful  
false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 35,418  
  
\_\_\_\_\_  
Signature  
Pierre Yanney  
Typed or printed name  
(212) 527-7700  
Telephone Number  
1-4-2005  
Date

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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